

Board of Selectmen's Meeting Minutes
August 23, 2007
Harpswell Town Office
Approved on September 20, 2007

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Selectmen Present: Amy N. Haible, James S. Henderson and Chairman Samuel W. Alexander

Staff Present: Kristi Eiane, Town Administrator; Jay Chace, Town Planner; William Wells, Code Enforcement Officer and Tracey Thibault, Code Enforcement Officer

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Alexander moved, seconded by Selectman Haible to adopt the agenda as printed; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane stated that the tax bills have been mailed to property owners with the first half being due September 15 and the second half due December 15. Administrator Eiane encouraged anyone with questions pertaining to their bills to contact the Assessing Office. Administrator Eiane reported that a September issue of the Town's municipal newsletter (the Bulletin) will be sent tomorrow and will include information on the Meals on Wheels program and the Mitchell Field draft master plan. Administrator Eiane reported that the Town has received a copy of the County's Assessing Feasibility Study that studied whether it would be feasible to perform assessing duties at the County level instead of each municipality having a separate assessing department.

3. Selectmen's Announcements: Selectman Haible encouraged the public to attend the Fishing Family shore dinner this Saturday at Mitchell Field. Chairman Alexander announced that he, Selectman Henderson and Administrator Eiane attended a meeting on Tuesday that was organized by Superintendent Wilhelm regarding the school consolidation process. Chairman Alexander stated that school districts have to file their intentions by August 31 and that some districts will make multiple filings. Chairman Alexander reported that although SAD 75 is not required to consolidate (student population is greater than 2,500) they have been speaking with several towns including Brunswick, who doesn't appear interested and Lisbon, who may be interested.

4. Old Business: There was no old business discussed.

5. Mitchell Field Update: Judith Redwine, chair of the Mitchell Field Committee, announced the draft master plan was presented to the public on Tuesday at West Harpswell Elementary School. Ms. Redwine requested the Board set a date for the final master plan presentation and encouraged the Board to then schedule a secret ballot vote on the plan. Ms. Redwine requested the Board consider a way to address the large amount of dogs that run free inside Mitchell Field. Administrator Eiane explained that although the rules for use of Mitchell Field state that dogs need to be leashed, the Animal Control Ordinance only requires that dogs be under voice control. Therefore the Town wouldn't be able to issue summonses to the owners who do not leash their dogs. Administrator Eiane suggested that the ordinance could be revised to require all dogs on town property to be leashed. Chairman Alexander moved, seconded by Selectman Haible to set September 13 at 5:30 p.m. as the date for the presentation of the final master plan; motion passed 3-0.

6. Wharf Application for James Kachadorian, 26 Hopkins Island Road, Map 62, Lot 132: William Wells reviewed the application and recommended its approval. Selectman Haible questioned whether the proposal was residential or commercial since a document in the package referenced the applicant runs a small charter tour boat. Mr. Wells responded that his understanding was the tours were at no cost. Chairman Alexander moved, seconded by Selectman Haible to approve the application as it does not create a hazard to navigation

and does not interfere with the public's right to use the intertidal zone. There was a discussion regarding how to assure that the use of the system will be limited to residential. Chairman Alexander withdrew his motion. Selectman Haible moved, seconded by Selectman Henderson to table the application until the applicant can clarify the proposed use of the system; motion passed 3-0.

7. Senior Spectrum Presentation Re: Meals on Wheels Program: Debbie Atwood, nutrition coordinator for Senior Spectrum, explained that the Meals on Wheels program is available at no cost to people who can no longer cook for themselves. Currently only 3 people in Harpswell benefit from the program and she would like to increase the number of recipients in the program and volunteer drivers as well. There was a discussion regarding the extensive benefits of the program. The Board encouraged the public to volunteer to help with this program and for anyone needing assistance to contact Administrator Eiane.

8. Consider RFP/RFQ for CPIC Consulting Services: Ken Cichon, Chair of Comprehensive Plan Implementation Committee, explained that the Committee would like to engage the services of a consultant to help evaluate and identify areas to establish rural and village zoning and to also assist with a presentation for a future Town Meeting. Mr. Cichon requested the Board endorse the RFP/RFQ for consulting services. Chairman Alexander moved, seconded by Selectman Haible to approve the RFP/RFQ; motion passed 3-0. Mr. Cichon stated the Committee currently has two additional proposals they are working on for Town Meeting, setback on State aid roads and the Subdivision Ordinance.

9. Discussion Regarding Enforcement Matter/Shoreland Zoning Violation Map 55, Lot 29: John Lloyd, attorney for Robert and Josephine Coombs, explained that the Coombs built a house in the shoreland zone that encroaches within required setbacks and also an attached garage, without a building permit, that also doesn't meet setbacks. Mr. Lloyd stated that Mr. Coombs in retrospect realizes he erred by not reading his permit for the house and by misunderstanding that his permit was only for the house and that he would need a permit for the garage when ready. Mr. Lloyd explained that he appealed the notice of violation of the garage to the Board of Appeals which upheld the Codes Officer's decision. Mr. Lloyd reviewed a survey of the site and the encroachments of the structure into the water setback and the property line setback on the roadside. (He submitted photos to the Board). Mr. Lloyd stated that the costs involved with removing the garage is an expensive proposition and requested the Board consider a consent agreement, to include a fine that allows the garage to remain. Chairman Alexander moved to negotiate a consent agreement. The Board discussed how to avoid these situations in the future. Selectman Henderson stated that the vote is to negotiate a consent agreement and it doesn't guarantee it will happen. Selectman Henderson seconded Chairman Alexander's motion and it passed 3-0.

10. Consider Order Authorizing Legal Action by Town Attorney In Land Use Matter: Tracey Thibault, Code Enforcement Officer, explained that this matter involves a property owner that has failed to receive a certificate of compliance for a replacement dwelling and has also built two sheds without permits. Although letters have been sent, the property owner has not responded and CEO Thibault requested authorization to allow the Town Attorney to make contact. There was a discussion regarding the definition of a structure and whether there should be different definitions for the Town interior areas and the shoreland zone. Chairman Alexander moved, seconded by Selectman Haible to authorize the Town Attorney to send a letter to the property owner. Selectman Henderson questioned whether the motion included the full proposed motion from the Codes Office which includes authorizing the Town Attorney to take any and all action; Chairman Alexander responded no. Chairman Alexander withdrew his motion and Selectman Haible withdrew her second. Selectman Haible moved, seconded by Selectman Henderson to authorize the town attorney to take any and all action including without limitation to file suit in state court that is necessary and appropriate to enforce the Town of Harpswell's Shoreland Zoning and Basic Land Use Ordinances with respect to property located on Ginger's Road, Map 12, Lot 38; motion passed 2-0 (Chairman Alexander abstained).

11. Set Date and Time for Stevens Junkyard Hearing and Site Visit, Map 46, Lot 31: Chairman Alexander moved, seconded by Selectman Henderson to set September 20 at 5:00 pm for a site visit and September 20 at 7:00 pm during the regular Selectmen's meeting for the public hearing at 7:00 pm; motion passed 3-0.

12. Consider Harpswell Community Broadcasting Corporation Contract: Administrator Eiane explained the Town has a Fixed Asset Policy that requires equipment greater than \$2,500 in cost be capitalized and that equipment purchased by HCBC with Town funds is contained within the Town's financial statements. Administrator Eiane stated that the Town's Fixed Asset Policy also requires the tracking of fixed asset purchases greater than \$1,000 in value. The Board agreed that equipment and fixtures purchased by HCBC with Town funding of a \$1,000 value or greater shall be owned by the Town and reported to the Town by HCBC. The Board discussed and agreed on additional changes to the draft contract. Selectman Henderson will make the changes to the draft contract and provide it to HCBC for review. Chairman Alexander moved, seconded by Selectman Henderson to extend the current contract (that expires August 31) until the new contract is signed; motion passed 3-0.

13. Consider Midcoast Military Redevelopment Zone Resolution for Amendment: Administrator Eiane explained since the Board held the appropriate hearing and previously approved the reallocation of 4 acres from the Mitchell Field Midcoast Military Redevelopment Zone to the Great Island Boatyard parcel that the last step is the signing of the Resolution. Chairman Alexander moved, seconded by Selectman Haible to authorize the Midcoast Business Development & Planning to administer the Town's Midcoast Military Redevelopment Zone Amendment and affirm that the acreage designation has been approved and to sign the Resolution; motion passed 3-0.

14. Consider Emergency Services Study Contract: Chairman Alexander moved, seconded by Selectman Haible to sign the contract with Emergency Services Consulting, Inc. as this consultant was previously approved by the Board; motion passed 3-0.

15. Committee Assignments

- **Emergency Services Study:** Chairman Alexander moved, seconded by Selectman Henderson to table the appointments to this Committee to allow more time for someone from the Orr's/Bailey Island area to apply; motion passed 3-0.
- **Planning Board Alternates:** Chairman Alexander moved, seconded by Selectman Henderson to appoint Roberta Floccher as an associate member to the Planning Board; motion passed 3-0.

16. Consider Creating a Road Committee: Bob Venard, Road Commissioner, explained that he believes a Road Committee would be helpful in assisting his position with such issues as road salt, usage and policy level issues. Mr. Venard explained that a professional is needed to determine the of Town roads for use in determining those in need of capital repair. The Board agreed they are not in favor of a committee at this time and prefer to have the Road Commissioner continue to make the recommendations and decisions when appropriate.

17. Consider Salary Survey RFP for Non-Elected Positions: Administrator Eiane explained the purpose of the RFP is to seek a consultant to review the salaries of Town salaried employees (Town Administrator, Deputy Town Administrator, Planner, Codes Officers (2), Recycling Center/Transfer Station Manager, Harbormaster and the part-time Recreation Director) in comparison to eight comparable towns. Administrator Eiane stated that the Consultant will also gather information regarding gross payroll from other Towns. Chairman Alexander moved, seconded by Selectman Haible to approve the RFP; motion passed 3-0.

18. Consider Log Cabin Renewal License for Malt, Spirituous, Vinous: Administrator Eiane reported that the Log Cabin is compliant with local ordinances and that there have not been any reports concerning disorderly conduct at the establishment from the Cumberland County Sheriff's Office. Chairman Alexander moved, seconded by Selectman Haible to approve the Log Cabin's renewal license; motion passed 3-0.

19. Authorization of the Warrant: Kristi Eiane, Town Administrator recommended approval of Warrants 44, 45, 46 and Payroll Warrant 38. Chairman Alexander moved, seconded by Selectman Haible to approve warrant 44 for \$113,954.24; motion passed 3-0. Selectman Haible moved, seconded by Selectman Henderson to approve warrant 45 for \$9,898.00; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to approve warrant 46 in an amount not to exceed \$500; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Alexander to approve Payroll Warrant 38 in the amount of \$14,355.16; motion passed 3-0.

20. Approval of the Minutes: Selectman Haible moved, seconded by Selectman Henderson to approve the minutes of August 3 as printed; motion passed 3-0. Selectman Henderson moved, seconded by Selectman Haible to approve the minutes of August 7 as printed; motion passed 3-0. Selectman Haible made a change to the August 9 minutes and moved, seconded by Chairman Alexander to approve the minutes as amended; motion passed 3-0.

21. Public Comment: Patricia McGovern commented that it would be nice to have multiple public comment opportunities throughout the agenda. Ms. McGovern expressed concerns regarding the future use of Mitchell Field and that the negotiating sessions are not open to the public. Selectman Haible stated that the sessions are confidential since the negotiations involve a company that has assets and information that could compromise them if it were to go public. Selectman Haible assured that upon completion of negotiations, the results will be made public. Selectman Henderson requested that the Town offer a status report to the public regarding the negotiations in a way that doesn't compromise the process.

22. Adjournment: The meeting was adjourned by unanimous vote at 9:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer